

S U M M A R Y A C T I O N M I N U T E S



REGULAR MEETING OF THE BOARD OF SUPERVISORS ORANGE COUNTY, CALIFORNIA

Tuesday, August 24, 2004, 9:30 A.M.

BOARD HEARING ROOM, FIRST FLOOR
10 Civic Center Plaza
Santa Ana, California

THOMAS W. WILSON
CHAIRMAN
Fifth District

JAMES W. SILVA
VICE CHAIRMAN
Second District

CHARLES V. SMITH
SUPERVISOR
First District

BILL CAMPBELL
SUPERVISOR
Third District

CHRIS NORBY
SUPERVISOR
Fourth District

ATTENDANCE: All Present

EXCUSED: None

PRESENT:	COUNTY EXECUTIVE OFFICER	James D. Ruth
	COUNTY COUNSEL	Benjamin P. de Mayo
	CLERK OF THE BOARD	Susan Novak, Chief Deputy

INVOCATION: Supervisor Smith, First District, gave the invocation

PLEDGE OF ALLEGIANCE: Supervisor Silva, Second District, led the assembly in the Pledge of Allegiance

I. PRESENTATIONS/INTRODUCTIONS

Supervisor Smith presented a resolution commending Patti Nunn

II. CONSENT CALENDAR (Items 1-43)

13245 **APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM 3 WHICH RECEIVED A NO VOTE FROM SUPERVISOR SILVA; ITEM 43 WHICH WAS CONTINUED TO 9/14/04, 9:30 A.M.; AND ITEMS 8, 23 & 41 WHICH WERE PULLED FOR DISCUSSION AND SEPARATE VOTE**

DEPARTMENT APPOINTMENTS

1. **Health Care Agency - Emergency Medical Care Committee - Appoint Douglas C. Reilly, Laguna Woods and Paul Yost, Seal Beach, for terms ending 6/30/06 - All Districts**

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COMMENDATIONS/PROCLAMATIONS

2. **Supervisor Smith** - Adopt resolution congratulating California Hispanic Chambers of Commerce on their 25th Anniversary
RESO: 04-235

HEALTH CARE AGENCY

3. Adopt resolution approving submission of grant applications for continued funding of department program; and rescinding Resolution 03-315 - All Districts

13245 **APPROVED AS RECOMMENDED**

N

RESO: 04-236

4. Approve agreement 04-35728 with State Department of Health Services for STD Community Interventions Program, 7/1/04 - 6/30/09 (\$227,125) - All Districts

HOUSING AND COMMUNITY SERVICES DEPARTMENT

5. Approve Memorandum of Understanding with Orange County Workforce Investment Board and Department of Rehabilitation for operation of One-Stop delivery system, 7/1/04 - 6/30/07; and authorize Executive Director, Workforce Investment Board to execute amendments under certain conditions - All Districts

INTEGRATED WASTE MANAGEMENT DEPARTMENT

6. Approve price agreement N1000006117 with Catrac Construction, Inc., for heavy equipment transportation services, 9/27/04 - 9/26/05 (\$25,000); renewable for four additional years - All Districts

JOHN WAYNE AIRPORT

7. Approve extension of price agreement N1000003744 with Transcore for hardware/software maintenance services, 9/25/04 - 9/24/06 (\$78,982; new total \$186,516); and make California Environmental Quality Act findings - District 2

8. Approve continuance of emergency and make appropriate findings pursuant to Public Contract Code Section 22050 (c)(1) for Phase II structural security modifications; set review to determine continuing need for emergency action for 9/14/04, 9:30 a.m. and every 14 days thereafter - District 2 (4/5 vote) (Continued from 3/9/04, Item 46; 3/23/04, Item 10; 3/30/04, Item 13; 4/20/04, Item 12; 5/4/04, Item 6; 5/18/04, Item 10; 5/25/04, Item 19; 6/8/04, Item 16; 6/22/04, Item 5; 6/30/04, Item 5; 7/20/04, Item 13; 8/3/04, Item 9; 8/17/04, Item 11)

32145 **APPROVED AS RECOMMENDED**

ORANGE COUNTY PUBLIC LIBRARY

9. Approve acceptance of grant award from the American Library Association (\$3,000); and authorize payment to Orange County Chapter of the American Research Center in Egypt (\$1,500) - All Districts
10. Receive and file Developer Fee Deposit Reports; and make related findings - All Districts

S U M M A R Y A C T I O N M I N U T E S

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

11. Approve agreement 04-0322 with the State Department of Food and Agriculture for mandated inspection of high-risk plant shipments, 7/1/04 - 6/30/05 (\$45,261.72) - All Districts
12. Approve agreement 04-0283 with the State Department of Food and Agriculture for mandated enforcement of nursery stock regulations, 7/1/04 - 6/30/05 (\$29,973.30) - All Districts
13. Authorize release of security for street improvements, street lights, landscaping, storm drain and monumentation, Tract 15445, Standard Pacific Corp., Newport Coast area - District 5
14. Authorize release of security for street improvements, street lights, landscaping, storm drain and monumentation, Tract 15817, The Irvine Company, Newport Coast area - District 5
15. Accept work with Natures Image, Inc. for Serrano Creek Habitat Restoration improvements from Bake Parkway to Trabuco Road; project completed 6/8/04 (\$300,424.41) - District 5
16. Accept work with Micon Construction for ADA playground equipment replacement, Clark Regional Park; project completed 6/28/04 (\$170,965) - District 4
17. Adopt resolution certifying completion of street improvements and street lights; authorizing release of security and accepting public street improvements, street lights, sewer and water systems, and monumentation, Tract 16105, Barratt American Incorporated, Ladera Ranch area - District 5
RESO: 04-237
18. Approve agreement D04-048 with Applied Geodetics for marketing and distribution of Orange County Digital Landbase/Geographic Information Systems Data - All Districts
19. Adopt resolution authorizing Director to negotiate lease and/or lease amendments for Board approval for parcels acquired by Laguna Coast or Aliso & Wood Canyons Wilderness Parks for park management purposes - District 5
RESO: 04-238
20. Reject all bids and return bid guarantee for remodel of HCA Public Health Laboratory - District 1
21. Declare the bid of Raymond C. Morales Jr. to be non-responsive; receive bids and award contract to Econolite Traffic Engineering and Maintenance, Inc. for maintenance of traffic signals, unincorporated Orange County and cities (\$303,876.99) - All Districts
22. Approve Memorandum of Implementation agreement with federal, state and local agencies and various County land owners for the Central/Coastal Subregional Natural Community Conservation Plan; authorize Director to execute future related agreements; and make California Environmental Quality Act findings - All Districts

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- 23 . Adopt resolution approving financial assistance agreement with Westminster, Orange, Garden Grove and Rancho Santa Margarita substituting Proposition 40 funds for Proposition 12 funds (\$2,996,960); authorize State Department of Parks and Recreation to amend funding agreement redesignating funding from County's Proposition 12 allocation to Proposition 40 Per Capita I Program Funds (\$2,996,960); and approve reallocation of Garden Grove planned community center project from West Haven Park to Garden Grove Park - All Districts
- 13245 **APPROVED AS RECOMMENDED**
RESO: 04-239
- 24 . Approve price agreement N1000006148 with Vicki Gray to assist in coordination and administration of County Cable Television franchises, 8/25/04 - 8/24/05 (\$45,000); renewable for one additional year - All Districts
- 25 . Rescind prior Board action on June 29, 2004 awarding contract to Southland Construction; reject bid of Southland Construction for non-compliance; receive bids and award contract to FS Construction for construction of Red Hill Avenue sidewalk from Sierra Alta Drive to Mardick Road, Tustin area (\$140,915) - District 3
- 26 . **Acting as the Board of Supervisors and Orange County Flood Control District** - Approve agreement D04-025 with Orange County Conservation Corps for training and education for various labor intensive projects, 3 year term (\$450,000); and make California Environmental Quality Act findings - All Districts

SOCIAL SERVICES AGENCY

- 27 . Approve amendment 4 to lease with Orangewood Children's Foundation for construction purposes; and make California Environmental Quality Act findings - District 3
- 28 . Approve Family Support Network as provider for Wraparound Orange County Support services; and authorize negotiation of agreement for Board approval - All Districts

PUBLIC PROTECTION

- 29 . **District Attorney** - Adopt resolution approving Federal Annual Certification Report for continued participation of Narcotic Enforcement Team in Federal Equitable Sharing Program, FY 2003-04 - All Districts
RESO: 04-240
- Probation:**
- 30 . Approve amended agreement with Constitutional Rights Foundation of Orange County for provision of Juvenile Peer Court services, extending term to 3/31/05 (\$43,923; new total \$297,188); and make California Environmental Quality Act findings - All Districts
- 31 . Approve agreement with Orange County Superintendent of Schools for provision of Probation Officer services for Community School Program, 9/1/04 - 8/31/05 (\$483,080); and make California Environmental Quality Act findings - All Districts

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32. Approve price agreement N1000006102 with GBS Cleaning Services, Inc., to provide janitorial maintenance services, Juvenile Hall facility, 9/1/04 - 8/31/05 (\$60,795); renewable for two additional years; and make California Environmental Quality Act findings - District 3
33. Approve Federal Annual Certification Report for continued participation in Federal Equitable Sharing Program, FY 2003-04 - All Districts
34. **Sheriff-Coroner** - Approve amended agreement 03-011-039 with State of California to provide coroner training courses for Commission on Peace Officer Standards and Training, extending term to 9/13/04 - All Districts

GENERAL ADMINISTRATION

35. **Auditor-Controller** - Adopt resolution approving property tax rates and delinquency/roll change/refund allowances and reserved disputed values for FY 2004-05 - All Districts
RESO: 04-241
36. **Chairman Wilson** - Approve amending Resolution No. 04-130, Harbors, Beaches and Parks Fee schedule, Section B. Dana Point Harbor Youth and Group and Other Coastal Facilities under "Room Rentals" fee schedule adjustment for non-profit, County-referral groups
RESO: 04-242
37. **County Counsel** - Approve consent to and waive conflict of interest for law firm Goldfarb & Lipman to represent Bridge Housing Corporation, a California nonprofit public benefit corporation - All Districts

County Executive Office:

38. Approve amended agreement with Santa Ana for annexation of unincorporated County territory - District 1
39. Approve proposed response to FY 2003-04 Grand Jury Report "Combating Truancy in Orange County" - All Districts
40. Approve proposed response to FY 2003-04 Grand Jury Report "Senior Transportation in Orange County" - All Districts
41. Approve proposed response to FY 2003-04 Grand Jury Report "Are We Wasting our Landfills" - All Districts

12345 **APPROVED AS RECOMMENDED**

42. **Registrar of Voters** - Approve Hold Harmless and Indemnity agreements with various sponsors for use of facilities to host polling locations for elections - All Districts
43. **Treasurer-Tax Collector** - Adopt resolution approving agreements # 1374 with Anaheim, Laguna Beach, New Foundation Communities and WIN Project to sell tax-defaulted real property - Districts 1, 3, 4 & 5
- 13245 **CONTINUED TO 9/14/04, 9:30 A.M.**

END OF CONSENT CALENDAR

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III. DISCUSSION ITEMS (Items 44-S60B)

HEALTH CARE AGENCY

- 44 . Approve amended price agreements N30000003768 with Sapphire Technologies, Inc. and N30000003769 with Intratek Computers, Inc. for Information Technology Temporary Help, 8/29/04 - 2/28/05 (\$700,000; new total \$2,371,677); and authorize Purchasing Agent to add additional qualified vendors under certain conditions - All Districts
12345 **APPROVED AS RECOMMENDED**
- 45 . Approve amendment 2 to agreement 30 (03/04) with State Department of Alcohol and Drug Programs for alcohol and drug abuse treatment and prevention services, 7/1/03 - 6/30/04 (\$246,094; new total \$22,176,189) - All Districts
21345 **APPROVED AS RECOMMENDED**
- 46 . Approve master agreement with various providers for professional medical, dental, behavioral and other support services, 10/1/04 - 9/29/05; and authorize Director or designee to execute individual agreements - All Districts
52134 **APPROVED AS RECOMMENDED**
- 47 . Approve Memorandum of Understanding with Children and Families Commission of Orange County (\$150,000) and agreement with The Regents of the University of California (\$425,000) for Child Abuse Services Team Medical Director services, 9/1/04 - 6/30/07 - All Districts
21345 **APPROVED AS RECOMMENDED**

HOUSING AND COMMUNITY SERVICES DEPARTMENT

- 48 . Authorize issuance of 2004 Multi-Family Affordable Rental Housing notice of funding availability - All Districts
12345 **APPROVED AS RECOMMENDED**

JOHN WAYNE AIRPORT

- 49 . Approve amendment 4 to lease with Host International, Inc. for central food and beverage concession, extending term to 6/30/08; and make California Environmental Quality Act and other findings - District 2
21345 **APPROVED AS RECOMMENDED**
- 50 . Approve price agreement N1000006119 with SPC Airport Services, Inc. for custodial maintenance services, 10/1/04 - 9/30/07 (\$8,132,400); renewable for two additional years; and make California Environmental Quality Act and other findings - District 2
21345 **APPROVED AS RECOMMENDED**
- 51 . Approve Airport Improvement Program Grant agreement 34 with Federal Aviation Administration for design of South Remain Over Night Apron Phase 1 Project (\$1,500,000); and make California Environmental Quality Act findings - District 2
21345 **APPROVED AS RECOMMENDED**

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RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

52. Adopt resolution approving Dana Point Harbor projects (\$871,000); appoint Director or designee as agent to conduct all negotiations, and execute and submit documents necessary for completion of project; approve related budget adjustments; and make California Environmental Quality Act findings - District 5 (4/5 vote)
- 52134 **APPROVED AS RECOMMENDED**
RESO: 04-243
53. **Acting as the Board of Supervisors and Orange County Flood Control District** - Adopt Negative Declaration IP00-095; approve plans and specifications and set bid opening for 9/29/04, 2:00 p.m., for widening project, Glassell Street Bridge; and adopt resolution declaring a portion of Glassell Street a County highway for construction purposes; **Acting as Orange County Flood Control District** - approve usage of Santa Ana River Environmental Funds towards trail and bikeway improvements - District 3
- 32145 **APPROVED AS RECOMMENDED**
RESO: 04-244

PUBLIC PROTECTION

54. **Probation** - Adopt resolution approving grant award agreement BDC 143-04 with State Board of Corrections for continued Federal funding of Juvenile Accountability Block Grant/Juvenile Drug Court Program, 7/1/04 - 6/30/05 (\$191,198); authorize Chief Probation Officer to execute subsequent amendments under certain conditions; and make California Environmental Quality Act findings - All Districts
- 12345 **APPROVED AS RECOMMENDED**
RESO: 04-245
55. **Sheriff-Coroner** - Adopt resolution authorizing submission and execution of grant award agreement to State Office of Emergency Services for Anti-Drug Abuse Enforcement Program and related documents, FY 2004-05 (\$1,144,046); and make required findings - All Districts
- 31245 **APPROVED AS RECOMMENDED**
RESO: 04-246

GENERAL ADMINISTRATION

County Executive Office:

56. Approve recommended positions on introduced or amended legislation and consider other legislative subject matters - All Districts
- 43125 **APPROVED STAFF RECOMMENDED POSITIONS ON BILLS AND AUTHORIZED LETTERS TO GOVERNOR OPPOSING AB710 AND SUPPORTING SB1909**
- 35124 **APPROVED MOTION TO SUPPORT PROPOSITION 1A**
AA
57. Approve FY 2003-04 Fourth Quarter Budget Report - All Districts (4/5 vote)
- 12345 **APPROVED AS RECOMMENDED**
X

S U M M A R Y A C T I O N M I N U T E S

58. Approve purchase and sale agreement with Santa Ana Community Redevelopment Agency for sale of County's vacant Forrest Paul Park parcel; authorize Manager, CEO/Real Estate to execute related documents and amendments under certain conditions; and make California Environmental Quality Act findings - District 1 (4/5 vote)

12345
X
APPROVED AS RECOMMENDED

59. Approve report and recommendations regarding the terms and conditions of employment for certain represented and unrepresented employees for International Union of Operating Engineers, Local 501, Craft and Plant Unit; Orange County Attorneys Association, Attorney Unit; Orange County Employees Association Community Services Unit, County General Unit, Healthcare Professional Unit, Office Services Unit, Sheriffs Special Officer and Deputy Coroner Unit, and Supervisory Management Unit; and Service Employees International Union Operations and Service Maintenance Unit; approve amendments to Memoranda of Understanding for the following bargaining units: Orange County Employees Association Probation Services Unit and Probation Supervisory Management Unit; and Orange County Managers Association Administrative Management Unit; approve PSR amendments for certain unrepresented management employees; adopt resolution regarding retirement formula; and approve 2005 Health Plan Rate Tables and various health plan changes - All Districts

14235
NNN
MOTION TO CONTINUE ITEM TO 9/14/04 FAILED TO CARRY

53124
N N
APPROVED AS RECOMMENDED

RESO: 04-247

60. **Treasurer-Tax Collector** - Approve price agreement N1000006149 with Financial Statement Services, Inc. for tax bill printing and mailing services (\$285,015 for first year); renewable for two additional years - All Districts

31245
X
APPROVED AS RECOMMENDED

- S60A. **Chairman Wilson** - Adopt resolution recognizing Amigos de la Colina docent organization upon being named 2004 Governor's Preservation Award winner

51234
X
APPROVED AS RECOMMENDED

RESO: 04-248

- S60B. **County Executive Office** - Approve revised memorandum dated 8/17/04 from CSG Advisors which replaces memorandum dated 8/16/04, Apartment Development Revenue Bonds for Woodbridge Manor Apartments- District 3

32145
N
APPROVED AS RECOMMENDED

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IV. PUBLIC HEARINGS (Item 61)

GENERAL ADMINISTRATION

61. **County Executive Office** - Public Hearing to consider use of Local Law Enforcement Block Grant funds; consider recommendations of Local Law Enforcement Block Grant Advisory Board; and make funding use determination - All Districts
- B.O. **CLOSED PUBLIC HEARING**
- 12345 **APPROVED AS RECOMMENDED**
X

V. CLOSED SESSION (Items CS-1-SCS4)

GENERAL ADMINISTRATION

County Counsel:

- CS-1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Dorothy G. Garcia v. County, MON 0186786; MON 0186787; AHM 0046253
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DOROTHY G. GARCIA V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF CEO/RISK MANAGEMENT TO ANY PERSON WHO INQUIRES.**
- CS-2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: Department of Fair Employment & Housing v. County of Orange, DFEH Case No. E-200001-J-0091-00-e
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF DEPARTMENT OF FAIR EMPLOYMENT & HOUSING V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**

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- CS-3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - Pursuant to Government Code Section 54956.9(a):
Name of Case: The Irvine Company v. County of Orange, L.A. S.C. No. BC 308544
- B.O. **HELD THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, APPROVED A PROPOSED SETTLEMENT IN THE CASE OF THE IRVINE COMPANY V. COUNTY OF ORANGE. THE PROPOSED SETTLEMENT REMAINS SUBJECT TO FINAL APPROVAL OF OTHERS. AS SOON AS THE PROPOSED SETTLEMENT BECOMES FINAL, DETAILS WILL BE MADE AVAILABLE IN THE OFFICE OF COUNTY COUNSEL TO ANY PERSON WHO INQUIRES.**
- SCS4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION Pursuant to Government Code Section 54956.9(a):
Name of Case: Barratt American Inc., et al., v. County of Orange, et al., OCSC Case Nos. 814037, 01CC04025 and 03CC00235
- B.O. **HELD, THE CLERK READ: THE BOARD BY A UNANIMOUS VOTE, AUTHORIZED COUNTY COUNSEL TO FILE AN APPEAL IN THE CASE OF BARRATT AMERICAN V. COUNTY OF ORANGE.**

VI. PUBLIC, BOARD & EMAIL COMMENTS

PUBLIC COMMENTS:

Verla Lambert - Oral Re: Garden Grove development

Darrell Nolta - Oral Re: Retirement votes, ambulance service

BOARD COMMENTS:

None

VII. RECESS & ADJOURNMENT (Item 62)

2:00 P.M.

RESOURCES AND DEVELOPMENT MANAGEMENT DEPARTMENT

62. Water Quality Strategic Plan Workshop

HELD

ADJOURNED: 3:56 P.M.

35124 **Adjourned in memory of Steve Thompson**

S U M M A R Y A C T I O N M I N U T E S

*** KEY ***

Left Margin Notes

- 1. = Supervisor Smith
- 2. = Supervisor Silva
- 3. = Supervisor Campbell
- 4. = Supervisor Norby
- 5. = Chairman Wilson

- A. = Abstained
- X. = Excused
- N. = No
- BO = Board Order

Right Margin Notes

- O. = Ordinance
- R. = Resolution

Above numbers refer to Supervisorial Districts (1st number = Moved by; 2nd number = Seconded by)

THOMAS W. WILSON, CHAIRMAN
Orange County Board of Supervisors

DARLENE J. BLOOM
Orange County Clerk of the Board